

BS00431

U.S. Application No. 09/748,905 Examiner CHUNG, Art Unit 2611
Submission of Amendment with RCE in Response to March 11, 2005 Final Office Action

REMARKS

In response to the final Office Action dated March 11, 2005, the Assignee respectfully requests continued examination and reconsideration based on the above claim amendments and the following remarks. Assignee respectfully submits that the pending claims distinguish over the cited documents.

Claims 1-29 are pending in this application, although claims 21-29 have been withdrawn from consideration. The United States Patent and Trademark Office (the "Office") rejected claims 1-3 and 8-9 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,016,141 to Knudson *et al.* in view of U.S. Patent 5,699,107 to Lawler. Claims 4 & 5 were rejected under 35 U.S.C. § 103 (a) as being obvious over Knudson in view of Lawler and further in view of U.S. Patent 6,732,367 to Ellis *et al.* (hereinafter "Ellis '367"). Claims 6 & 7 were rejected under 35 U.S.C. § 103 (a) as being obvious over Knudson in view of Lawler and further in view of U.S. Patent 6,604,240 to Ellis *et al.* (hereinafter "Ellis '240"). Claims 10-19 were rejected under 35 U.S.C. § 103 (a) as being obvious over Ellis '240 in view of Knudson and further in view of Lawler. Claim 20 was rejected as being obvious over Ellis '240 in view of Knudsen, further in view of Lawler, and further in view of U.S. Patent 6,057,872 to Candelore.

The pending claims are not obvious. The Assignee herein shows that the amended claims are not obviated by the any of the cited patents to Knudsen, Lawler, Ellis, or Candelore, whether alone or combined. The Assignee thus respectfully submits that the pending claims are ready for allowance.

Extension of Time

Examiner Chung, please note this response includes a petition for an extension of time. The Assignee petitions the Commissioner to extend the time for reply to the final Office Action dated March 11, 2005 for three (3) months, from June 11, 2005 to September 11, 2005. The

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Assignee herewith encloses authorization for the 37 C.F.R. § 1.17(a)(3) large entity fee of \$1,020.

Rejection of Claims under 35 U.S.C. § 103 (a)

Claims 1-20 were variously rejected under 35 U.S.C. § 103 (a) as being obvious over various combinations of *Knudsen*, *Lawler*, *Ellis '240*, *Ellis '367*, and *Candelore*. If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P."). Because any proposed combination of *Knudsen*, *Lawler*, *Ellis '240*, and *Ellis '367* fails to teach or suggest all the limitations of the independent claims, the *prima facie* cases of obviousness must fail.

Independent claims 1, 8, 10, and 15 are not obvious. These independent claims all recite features for an electronic programming guide that has a programming grid simultaneously listing a wrapper associated with each package and each package's associated events. The programming grid also simultaneously lists a start time and a stop time of each event associated with each package. The electronic programming guide has a first mode in which inputs to a navigator scroll from one package to another package. The electronic programming guide has a second mode in which inputs to the navigator scroll from one event to another event within the same package. Support for such features may be found at least at page 8, line 15 through page 9, line 12; at page 17, lines 5-20; at page 18, lines 5-11; and at page 20, line 20 through page 21, line 8. A "clean" version of amended claim 1 is reproduced below, and independent claims 8, 10, and 15 recite similar features.

1. A method for allowing programming providers to offer subscribers programming events, the method comprising:

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- a. associating events to create packages; and
- b. communicating an electronic programming guide, the electronic programming guide having a programming grid simultaneously listing a wrapper associated with each package and each package's associated events, the programming grid also simultaneously listing a start time and a stop time of each event associated with each package;

the electronic programming guide having a first mode in which inputs to a navigator scroll from one package to another package, and

the electronic programming guide having a second mode in which inputs to the navigator scroll from one event to another event within the same package.

Independent claims 1, 8, 10, and 15 are not obvious. Neither *Knudsen*, *Lawler*, *Ellis '240*, *Ellis '367*, nor *Candelore* disclose an “electronic programming guide having a programming grid simultaneously listing a wrapper associated with each package and each package's associated events,” as the independent claims recite (emphasis added). While *Knudsen*, *Ellis '240*, and *Ellis '367* all show or discuss packages of programming, neither patent discloses a programming grid that simultaneously lists each package and each package's associated events. Moreover, neither *Knudsen*, *Lawler*, *Ellis '240*, *Ellis '367*, nor *Candelore* “simultaneously [list] a start time and a stop time of each event associated with each package,” as the independent claims recite.

Independent claims 1, 8, 10, and 15 also recite other nonobvious features. Neither *Knudsen*, *Lawler*, *Ellis '240*, *Ellis '367*, nor *Candelore* disclose an “electronic programming guide having a first mode in which inputs to a navigator scroll from one package to another package.” Moreover, these patents also fail to disclose “the electronic programming guide having a second mode in which inputs to the navigator scroll from one event to another event within the same package.”

Independent claims 1, 8, 10, and 15, then, cannot be obvious. Any proposed combination of *Knudsen*, *Lawler*, *Ellis '240*, *Ellis '367*, and *Candelore* fails to teach or suggest many features

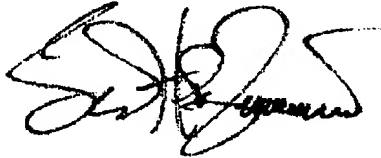
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of the pending claims. One of ordinary skill in the art, then, would not find it obvious to combine any portion of *Knudsen*, *Lawler*, *Ellis '240*, *Ellis '367*, or *Candelore* to obviate the pending claims. Because any proposed combination of *Knudsen*, *Lawler*, *Ellis '240*, *Ellis '367*, and *Candelore* fails to teach or suggest all the claimed features of the pending claims 1-20, the Assignee respectfully requests removal of the § 103 rejections.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or scott@scottzimmerman.com.

Respectfully submitted,



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